

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 755 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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RANJANBEN WD/O HARIBHAI

JIVABHAI

Versus

UNION OF INDIA  
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Appearance:

MR DJ BHATT for Petitioners

MR UM SHASTRI for Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/12/1999

ORAL JUDGEMENT

#. Rule. Mr.Shastri waives service of Rule on behalf of respondents. The matter is taken up for hearing on the request of learned counsel for the parties.

#. The suit of the plaintiffs-petitioners being Special Civil Suit No.31 of 1981 was dismissed by 3rd Joint Civil Judge (S.D.), Ahmedabad (Rural) at Mirzapur on 30th September 1988. The plaintiffs-petitioners filed

application for restoration of suit under Order 9, Rule 8 of Civil Procedure Code which came to be rejected by the court under the impugned order. Hence this civil revision application before this court.

#. The learned counsel for the respondents-defendants submit that the respondents-defendants have no objection in case the order of the 2nd Joint Civil Judge (S.D.), Ahmedabad (Rural) at Mirzapur dated 30th September 1988 dismissing the plaintiffs-petitioners' suit is recalled and the suit is restored to its original number. In view of this concession made by learned counsel for the defendant-respondent No.1, this revision application succeeds and the same is allowed and the order of the learned trial court dated 30th September 1988 as also the order dated 30th November 1998 passed in Special Civil Suit No.31 of 1981 and Civil Misc. Application No.30 of 1994 respectively by the 2nd Joint Civil Judge (S.D.), Ahmedabad (Rural) at Mirzapur, are quashed and set aside and the application filed by plaintiff-petitioners under Order 9 Rule 8 of the Civil procedure Code is granted and the suit is ordered to be restored to its original number. Rule is made absolute in aforesaid terms with no order as to costs.

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[sunil]